



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Examiner: Hunnicutt, Rachel Kapust  
)  
Kevin P. BAKER, et al. ) Art Unit: 1647  
)  
Application Serial No.: 10/006,485 ) Confirmation No.: 3503  
)  
Filed: December 6, 2001 ) Attorney's Docket No.: 39780-2830 P1C9  
)  
For: **SECRETED AND** ) **Customer No. 35489**  
      **TRANSMEMBRANE** )  
      **POLYPEPTIDES AND NUCLEIC** )  
      **ACIDS ENCODING THE SAME** )

EXPRESS MAIL LABEL NO. EL 977 608 914 US  
DATE MAILED: OCTOBER 5, 2004

AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In the above identified application, a Notice of Allowance was mailed on September 13, 2004, but an issue fee has not been paid. Having reviewed the allowed claims, Applicants have found that as a result of claim amendments made during prosecution, fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the present application. Accordingly, please **delete** the names of the following inventors, who have not made an inventive contribution to the currently claimed subject matter:

|                                |                          |
|--------------------------------|--------------------------|
| <b>Kevin P. Baker</b>          | <b>David Botstein</b>    |
| <b>Dan L. Eaton</b>            | <b>Napoleone Ferrara</b> |
| <b>Sherman Fong</b>            | <b>Wei-Qiang Gao</b>     |
| <b>J. Christopher Grimaldi</b> | <b>Kenneth J. Hillan</b> |
| <b>James Pan</b>               | <b>Nicholas F. Paoni</b> |
| <b>Margaret Ann Roy</b>        | <b>Victoria Smith</b>    |
| <b>Timothy A. Stewart</b>      | <b>Daniel Tumas</b>      |
| <b>P. Mickey Williams</b>      |                          |

Upon entering the present amendment, Luc Desnoyers, Audrey Goddard, Paul J. Godowski, Austin Gurney, Colin K. Watanabe and William I. Wood remain named inventors in this case.

Please charge the fee of \$130.00 and/or any fees that might become applicable, including any fees for extension of time, or credit overpayment to Deposit Account No. **08-1641**, referencing Attorney's Docket No. **39780-2830 P1C9**. Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: October 5, 2004

By:   
Anna L. Barry (Reg. No. 51,436)

**HELLER EHRMAN WHITE & McaULIFFE LLP**  
275 Middlefield Road  
Menlo Park, California 94025  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

SV 2067314 v1  
10/5/04 3:39 PM (39780.2830)



10-07-04

B#

PTO/SB/17 (10-04)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**130.00**

## Complete if Known

|                      |                          |
|----------------------|--------------------------|
| Application Number   | 10/006,485               |
| Filing Date          | DECEMBER 6, 2001         |
| First Named Inventor | KEVIN P. BAKER           |
| Examiner Name        | HUNNICUTT, RACHEL KAPUST |
| Art Unit             | 1647                     |
| Attorney Docket No.  | 39780-2830 P1C9          |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

08-1641 (39780-2830 P1C9)

HELLER EHRMAN WHITE & McAULIFFE LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description        | Fee Paid |
|-------------------------------|-------------------------------|------------------------|----------|
| 1001 790                      | 2001 395                      | Utility filing fee     |          |
| 1002 350                      | 2002 175                      | Design filing fee      |          |
| 1003 550                      | 2003 275                      | Plant filing fee       |          |
| 1004 790                      | 2004 395                      | Reissue filing fee     |          |
| 1005 160                      | 2005 80                       | Provisional filing fee |          |

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | -20** =      | X              |          |
| Multiple Dependent | -3** =       | X              |          |

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description  |
|-------------------------------|-------------------------------|--|
| 1202 18                       | 2202 9                        | Claims in excess of 20                                     |
| 1201 88                       | 2201 44                       | Independent claims in excess of 3                          |
| 1203 300                      | 2203 150                      | Multiple dependent claim, if not paid                      |
| 1204 88                       | 2204 44                       | ** Reissue independent claims over original patent         |
| 1205 18                       | 2205 9                        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description  | Fee Paid |
|-------------------------------|-------------------------------|--|----------|
| 1051 130                      | 2051 65                       | Surcharge - late filing fee or oath  |          |
| 1052 50                       | 2052 25                       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130                      | 1053 130                      | Non-English specification  |          |
| 1812 2,520                    | 1812 2,520                    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804 920*                     | 1804 920*                     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*                   | 1805 1,840*                   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110                      | 2251 55                       | Extension for reply within first month                                     |          |
| 1252 430                      | 2252 215                      | Extension for reply within second month                                    |          |
| 1253 980                      | 2253 490                      | Extension for reply within third month                                     |          |
| 1254 1,530                    | 2254 765                      | Extension for reply within fourth month                                    |          |
| 1255 2,080                    | 2255 1,040                    | Extension for reply within fifth month                                     |          |
| 1401 340                      | 2401 170                      | Notice of Appeal   |          |
| 1402 340                      | 2402 170                      | Filing a brief in support of an appeal                                     |          |
| 1403 300                      | 2403 150                      | Request for oral hearing   |          |
| 1451 1,510                    | 1451 1,510                    | Petition to institute a public use proceeding                              |          |
| 1452 110                      | 2452 55                       | Petition to revive - unavoidable   |          |
| 1453 1,370                    | 2453 685                      | Petition to revive - unintentional   |          |
| 1501 1,370                    | 2501 685                      | Utility issue fee (or reissue)   |          |
| 1502 490                      | 2502 245                      | Design issue fee   |          |
| 1503 660                      | 2503 330                      | Plant issue fee  |          |
| 1460 130                      | 1460 130                      | Petitions to the Commissioner  | 130.00   |
| 1807 50                       | 1807 50                       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180                      | 1806 180                      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40                       | 8021 40                       | Recording each patent assignment per property (times number of properties) |          |
| 1809 790                      | 2809 395                      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 790                      | 2810 395                      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 790                      | 2801 395                      | Request for Continued Examination (RCE)                                    |          |
| 1802 900                      | 1802 900                      | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**130.00**

## SUBMITTED BY

(Complete if applicable)

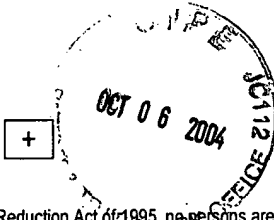
|                   |              |                                   |                 |           |                |
|-------------------|--------------|-----------------------------------|-----------------|-----------|----------------|
| Name (Print/Type) | ANNA L BARRY | Registration No. (Attorney/Agent) | 51,436          | Telephone | (650) 324-7000 |
| Signature         |              | Date                              | OCTOBER 5, 2004 |           |                |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.  
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|  |   |                        |                          |
|--|---|------------------------|--------------------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> |   | Application Number     | 10/006,485               |
|  |   | Filing Date            | DECEMBER 6, 2001         |
|  |   | First Named Inventor   | KEVIN P. BAKER           |
|  |   | Group/Art Unit         | 1647                     |
|  |   | Examiner Name          | HUNNICUTT, RACHEL KAPUST |
| Total Number of Pages in This Submission   | 4 | Attorney Docket Number | 39780-2830 P1C9          |

| ENCLOSURES (check all that apply)  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> <b>FEE TRANSMITTAL FORM</b><br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Version With Markings Showing Changes<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53<br><input type="checkbox"/> Copy of Notice | <input type="checkbox"/> Copy of an Assignment<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Statement<br><input checked="" type="checkbox"/> <b>AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312</b> | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> )<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> <b>ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):</b><br><input checked="" type="checkbox"/> <b>STAMPED RETURN POSTCARD</b> |
| Remarks  |  |  |
| AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT <u>08-1641</u> FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. <u>39780-2830 P1C9</u> .  |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY OR AGENT |  |                           |                                 |
|---|--|---------------------------|---------------------------------|
| Firm or Individual name                   | HELLER EHRMAN WHITE & MCAULIFFE LLP                |                           | ANNA L. BARRY (Reg. No. 51,436) |
|   | 275 Middlefield Road, Menlo Park, California 94025 | Telephone: (650) 324-7000 | Facsimile: (650) 324-0638       |
| Signature                                 |  |                           |                                 |
| Date                                      | October 5, 2004                                    | Customer Number:          | 35489                           |

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| Express Mail Label <u>EL 977 608 914 US</u>   |         |      |                 |
| Typed or printed name   | C. FONG |      |                 |
| Signature   |         | Date | October 5, 2004 |

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